

HOUSE BILL NO. 1013

Introduced by

Appropriations Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and the North Dakota vision services - school for the blind; ~~and to provide an exemption~~ to amend and reenact sections 15.1-02-02, 15.1-02-16, 15.1-06-19, and 15.1-27-16 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction, credentialing, school counselors, and administrative cost-sharing for cooperating districts; to provide for a transfer; to provide an exemption; to provide for a legislative management study; to provide for reports; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of public instruction, the state library, the school for the deaf, and North Dakota vision services - school for the blind for the purpose of defraying the expenses of those agencies, for the biennium beginning July 1, 2021, and ending June 30, 2023, as follows:

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

	Governor's		
	Base Level	Recommendation	Appropriation
Salaries and wages	\$18,027,035	\$18,575,649	\$18,027,035
Operating expenses	33,770,947	35,503,599	33,770,947
Integrated formula payments	2,098,202,429	2,112,224,733	2,098,202,429
Grants - special education	24,000,000	27,000,000	24,000,000

Sixty-seventh
Legislative Assembly

1	Grants—transportation	56,500,000	56,500,000	56,500,000
2	Grants—other grants	287,062,705	312,062,705	287,062,705
3	Grants—program grants	7,680,000	10,080,000	7,680,000
4	Grants—passthrough grants	2,863,764	2,434,199	2,863,764
5	PowerSchool	5,500,000	5,250,000	5,500,000
6	National board certification	108,000	108,000	108,000
7	Total all funds	\$2,533,714,880	\$2,579,738,885	\$2,533,714,880
8	Less estimated income	812,553,743	981,683,478	812,553,743
9	Total general fund	\$1,721,161,137	\$1,598,055,407	\$1,721,161,137
10	Full-time equivalent positions	89.25	89.25	89.25
11	Adjustments or			
12		Base Level	Enhancements	Appropriation
13	Salaries and wages	\$18,027,035	(\$188,572)	\$17,838,463
14	Operating expenses	33,770,947	(672,798)	33,098,149
15	Integrated formula payments	2,098,202,429	168,071	2,098,370,500
16	Grants - special education	24,000,000	3,000,000	27,000,000
17	Grants - transportation	56,500,000	0	56,500,000
18	Grants - other grants	287,062,705	25,676,188	312,738,893
19	Grants - program grants	7,680,000	(7,680,000)	0
20	Grants - passthrough grants	2,863,764	(2,863,764)	0
21	Grants - program and passthrough	0	23,733,064	23,733,064
22	PowerSchool	5,500,000	(250,000)	5,250,000
23	National board certification	108,000	68,290	176,290
24	Total all funds	\$2,533,714,880	\$40,990,479	\$2,574,705,359
25	Less estimated income	812,553,743	105,661,414	918,215,157
26	Total general fund	\$1,721,161,137	(\$64,670,935)	\$1,656,490,202
27	Full-time equivalent positions	89.25	(3.00)	86.25
28	Subdivision 2.			
29	STATE LIBRARY			
30	Governor's			
31		Base Level	Recommendation	Appropriation

Sixty-seventh
Legislative Assembly

1	Salaries and wages	\$4,300,335	\$4,142,089	\$4,300,335
2	Operating expenses	1,621,917	2,103,396	1,621,917
3	Grants	2,233,528	2,146,649	2,233,528
4	Total all funds	\$8,155,780	\$8,392,134	\$8,155,780
5	Less estimated income	2,374,361	2,368,225	2,374,361
6	Total general fund	\$5,781,419	\$6,023,909	\$5,781,419
7	Full-time equivalent positions	27.75	26.75	27.75

Adjustments or

9		Base Level	Enhancements	Appropriation
10	Salaries and wages	\$4,300,335	(\$152,269)	\$4,148,066
11	Operating expenses	1,621,917	200,786	1,822,703
12	Grants	2,233,528	0	2,233,528
13	Total all funds	\$8,155,780	\$48,517	\$8,204,297
14	Less estimated income	2,374,361	(10,438)	2,363,923
15	Total general fund	\$5,781,419	\$58,955	\$5,840,374
16	Full-time equivalent positions	27.75	(1.00)	26.75

Subdivision 3.

SCHOOL FOR THE DEAF

Governor's

20		Base Level	Recommendation	Appropriation
21	Salaries and wages	\$8,054,944	\$8,342,967	\$8,054,944
22	Operating expenses	1,705,586	1,705,586	1,705,586
23	Capital assets	158,678	856,178	158,678
24	Grants	40,000	40,000	40,000
25	Total all funds	\$9,959,208	\$10,944,731	\$9,959,208
26	Less estimated income	2,430,358	3,487,434	2,430,358
27	Total general fund	\$7,528,850	\$7,457,297	\$7,528,850
28	Full-time equivalent positions	44.61	44.61	44.61

Adjustments or

30		Base Level	Enhancements	Appropriation
31	Salaries and wages	\$8,054,944	\$282,522	\$8,337,466

Sixty-seventh
Legislative Assembly

1	Operating expenses	1,705,586	0	1,705,586
2	Capital assets	158,678	697,500	856,178
3	Grants	40,000	(40,000)	0
4	Total all funds	\$9,959,208	\$940,022	\$10,899,230
5	Less estimated income	2,430,358	1,058,622	3,488,980
6	Total general fund	\$7,528,850	(\$118,600)	\$7,410,250
7	Full-time equivalent positions	44.61	0.00	44.61

8 Subdivision 4.

9 NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND

10	<u>Governor's</u>			
11		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
12	Salaries and wages	\$4,935,291	\$4,997,855	\$4,935,291
13	Operating expenses	795,821	792,671	795,821
14	Capital assets	39,192	409,192	39,192
15	Total all funds	\$5,770,304	\$6,199,718	\$5,770,304
16	Less estimated income	1,052,315	1,577,290	1,052,315
17	Total general fund	\$4,717,989	\$4,622,428	\$4,717,989
18	Full-time equivalent positions	27.90	27.75	27.90
19	<u>Adjustments or</u>			
20		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
21	Salaries and wages	\$4,935,291	\$60,053	\$4,995,344
22	Operating expenses	795,821	29,850	825,671
23	Capital assets	39,192	284,000	323,192
24	Total all funds	\$5,770,304	\$373,903	\$6,144,207
25	Less estimated income	1,052,315	473,796	1,526,111
26	Total general fund	\$4,717,989	(\$99,893)	\$4,618,096
27	Full-time equivalent positions	27.90	(0.15)	27.75

28 Subdivision 5.

29 TOTAL - SECTION 1

30	<u>Governor's</u>			
31		<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>

1	Grand total general fund	\$1,739,189,395	\$1,616,159,041	\$1,739,189,395
2	Grand total special funds	818,410,777	989,116,427	818,410,777
3	Grand total all funds	\$2,557,600,172	\$2,605,275,468	\$2,557,600,172

4	<u>Adjustments or</u>			
5		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
6	<u>Grand total general fund</u>	<u>\$1,739,189,395</u>	<u>(\$64,830,473)</u>	<u>\$1,674,358,922</u>
7	<u>Grand total special funds</u>	<u>818,410,777</u>	<u>107,183,394</u>	<u>925,594,171</u>
8	<u>Grand total all funds</u>	<u>\$2,557,600,172</u>	<u>\$42,352,921</u>	<u>\$2,599,953,093</u>

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-

EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
13			
14	Department of public instruction		
15	Rapid enrollment grants	\$3,000,000	\$0
16	<u>Science experiments grant</u>	<u>\$0</u>	<u>\$13,500,000</u>
17	<u>Rapid enrollment grants</u>	<u>3,000,000</u>	<u>0</u>
18	State automated reporting system rewrite	1,200,000	0
19	Music education grants	800,000	0
20	State school aid formula rewrite	<u>200,000</u>	<u>0</u>
21	Total department of public instruction	\$5,200,000	\$0
22	all funds		
23	Total department of public instruction -	5,000,000	0
24	estimated income		
25	Total department of public instruction -	\$200,000	\$0
26	general fund		
27	<u>Total department of public instruction -</u>	<u>\$5,200,000</u>	<u>\$13,500,000</u>
28	<u>all funds</u>		
29	<u>Total department of public instruction -</u>	<u>5,000,000</u>	<u>13,500,000</u>
30	<u>estimated income</u>		
31	<u>Total department of public instruction -</u>	<u>\$200,000</u>	<u>\$0</u>

Sixty-seventh
Legislative Assembly

1	<u>general fund</u>		
2	School for the deaf		
3	Extraordinary repairs	\$250,000	\$0
4	Equipment	20,000	0
5	Total school for the deaf - estimated income	\$270,000	\$0
6	<u>School for the deaf</u>		
7	<u>Extraordinary repairs</u>	<u>\$250,000</u>	<u>\$0</u>
8	<u>Campus server upgrade</u>	<u>0</u>	<u>7,500</u>
9	<u>Equipment</u>	<u>20,000</u>	<u>40,000</u>
10	<u>Boiler and resource center projects</u>	<u>0</u>	<u>650,000</u>
11	<u>Total school for the deaf - estimated income</u>	<u>\$270,000</u>	<u>\$697,500</u>
12	North Dakota vision services - school for the blind		
13	South wing restroom remodel	\$120,000	\$0
14	Gymnasium floor replacement	42,000	0
15	West wing roof repair	39,000	0
16	Daily living skills area remodel	25,000	0
17	Adaptive technology equipment	20,000	0
18	Other repairs	18,500	0
19	Garage door replacement	16,000	0
20	Total school for the blind - estimated income	\$280,500	\$0
21	<u>North Dakota vision services - school for the blind</u>		
22	<u>South wing restroom remodel</u>	<u>\$120,000</u>	<u>\$0</u>
23	<u>Gymnasium floor replacement</u>	<u>42,000</u>	<u>0</u>
24	<u>West wing roof repair</u>	<u>39,000</u>	<u>0</u>
25	<u>Daily living skills area remodel</u>	<u>25,000</u>	<u>0</u>
26	<u>Adaptive technology equipment</u>	<u>20,000</u>	<u>0</u>
27	<u>Other repairs</u>	<u>18,500</u>	<u>0</u>
28	<u>Garage door replacement</u>	<u>16,000</u>	<u>0</u>
29	<u>Replace flooring</u>	<u>0</u>	<u>10,000</u>
30	<u>Replace south wing air conditioning</u>	<u>0</u>	<u>40,000</u>
31	<u>Repair sidewalk, roof, and parking lot</u>	<u>0</u>	<u>24,000</u>

1	<u>Replace doors and key system</u>	<u>0</u>	<u>45,000</u>
2	<u>Install LED lighting</u>	<u>0</u>	<u>33,000</u>
3	<u>South wing electrical service</u>	<u>0</u>	<u>165,000</u>
4	<u>Total school for the blind - estimated income</u>	<u>\$280,500</u>	<u>\$317,000</u>
5	Grand total - all funds	\$5,750,500	\$0
6	Grand total - estimated income	5,550,500	0
7	Grand total - general fund	\$200,000	\$0
8	<u>Grand total - all funds</u>	<u>\$5,750,500</u>	<u>\$14,514,500</u>
9	<u>Grand total - estimated income</u>	<u>5,550,500</u>	<u>14,514,500</u>
10	<u>Grand total - general fund</u>	<u>\$200,000</u>	<u>\$0</u>

11 The 2021-23 biennium one-time funding amounts are not part of the entity's base budget for
12 the 2023-25 biennium. The department of public instruction, school for the deaf, and North
13 Dakota vision services - school for the blind shall report to the appropriations committees of the
14 sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning
15 July 1, 2021, and ending June 30, 2023.

16 **SECTION 3. APPROPRIATION - TUITION APPORTIONMENT.** The sum of
17 ~~\$377,764,000~~\$433,020,000, included in the integrated formula payments line item in
18 subdivision 1 of section 1 of this Act, is from the state tuition fund in the state treasury. Any
19 additional amount in the state tuition fund that becomes available for distribution to public
20 schools is appropriated to the department of public instruction for that purpose for the biennium
21 beginning July 1, 2021, and ending June 30, 2023.

22 **SECTION 4. ESTIMATED INCOME - FOUNDATION AID STABILIZATION FUND.** The
23 estimated income line item in subdivision 1 of section 1 of this Act includes the sum of
24 \$110,000,000 from the foundation aid stabilization fund for integrated formula payments.

25 **SECTION 5. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION**
26 **CONTRACTS EXPENDITURE AUTHORITY.** The superintendent of public instruction may
27 expend funds included in the integrated formula payments and grants - special education
28 contracts line items in subdivision 1 of section 1 of this Act for paying grants for educational
29 services that were due in the 2019-21 biennium but which were not filed, claimed, or properly
30 supported by the education provider until after June 30, 2021. To be reimbursed under this

section, claims must be properly supported and filed with the superintendent of public instruction by June 30, 2022.

SECTION 6. GIFTED AND TALENTED PROGRAM - MEDICAID MATCHING FUNDING - DISTRIBUTION.

1. The sum of \$800,000, included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts or special education units for gifted and talented programs upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction. The superintendent of public instruction shall encourage cooperative efforts for gifted and talented programs among school districts and special education units.
2. State school aid payments for special education must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the Medicaid program. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of human services on behalf of the school district or unit.

SECTION 7. TRANSPORTATION GRANTS - DISTRIBUTION.

1. During each year of the 2021-23 biennium, the superintendent of public instruction shall calculate the payment to which each school district is entitled based on the state transportation formula as it existed on June 30, 2001, except that the superintendent shall provide reimbursement at the rate of:
 - a. One dollar and eleven cents per mile for schoolbuses having a capacity of ten or more passengers;
 - b. Fifty-two cents per mile for vehicles having a capacity of nine or fewer passengers;
 - c. Fifty cents per mile, provided:
 - (1) The student being transported is a student with a disability, as defined in chapter 15.1-32;

- 1 (2) The student's individualized education program plan requires that the
- 2 student attend a public or a nonpublic school located outside the student's
- 3 school district of residence;
- 4 (3) The student is transported by an adult member of the student's family;
- 5 (4) The student is transported in a vehicle furnished by the student's parents;
- 6 (5) The student's transportation is paid for by the student's parents; and
- 7 (6) The reimbursement does not exceed two round trips daily between the
- 8 student's home and school.
- 9 d. Fifty cents per mile, one way, provided:
- 10 (1) The student being transported resides more than two miles from the public
- 11 school that the student attends;
- 12 (2) The student is transported by an adult member of the student's family;
- 13 (3) The student is transported in a vehicle furnished by the student's parents;
- 14 and
- 15 (4) The student's transportation is paid for by the student's parents.
- 16 e. Thirty cents per student for each one-way trip.
- 17 2. The superintendent of public instruction shall use the latest available student
- 18 enrollment count in each school district in applying the provisions of subsection 1.
- 19 3. This section does not authorize the reimbursement of any costs incurred in providing
- 20 transportation for student attendance at extracurricular activities or events.

~~**SECTION 9. PROGRAM GRANT POOL - CONTINUING EDUCATION GRANTS -**~~

~~**FUNDING - DISTRIBUTION.** The grants - program grants line item in subdivision 1 of section 1 of this Act includes \$1,500,000 for a program grant pool. The superintendent of public instruction shall use the funding provided for various grant programs, including up to \$125,000, or so much of the sum as may be necessary, for continuing education grants, for the biennium beginning July 1, 2021, and ending June 30, 2023.~~

~~1. The superintendent of public instruction shall award grants in amounts up to \$1,200 to eligible recipients in chronological order, based on the date of an individual's application. An eligible recipient must:~~

~~a. (1) Be licensed to teach by the education standards and practices board;~~

~~(2) Have taught in this state during each of the last three school years; and~~

1 ~~_____ (3) Be enrolled at an institution of higher education in this state in either a-~~
2 ~~master of education program in educational leadership or a program leading~~
3 ~~to a specialist diploma in educational leadership;~~

4 ~~_____ b. Be pursuing the requirements for a certificate in career development facilitation;-~~
5 ~~or~~

6 ~~_____ c. Be pursuing a school counselor credential.~~

7 ~~_____ 2. If any of the amount appropriated for this purpose remains after the superintendent of~~
8 ~~public instruction has awarded grants to all eligible recipients, the superintendent shall~~
9 ~~distribute that amount as an additional per student payment on a prorated basis,-~~
10 ~~according to the latest available average daily membership of each school district.~~

11 ~~_____ **SECTION 9. PASSTHROUGH GRANTS - APPLICATION - DISTRIBUTION -**~~

12 ~~**REPORTING.** The grants—passthrough grants line item in subdivision 1 of section 1 of this Act~~
13 ~~includes \$2,863,764 for passthrough grants. The superintendent of public instruction shall~~
14 ~~determine the manner in which each passthrough grant is distributed, but no more than one-half~~
15 ~~of the funding may be provided each year of the biennium. Annually grantees, as a condition of~~
16 ~~receiving the grant, must establish performance measures to be reviewed by the superintendent~~
17 ~~of public instruction. Grantees shall report annually to the superintendent of public instruction~~
18 ~~regarding performance based on the measures. The superintendent may not distribute the grant~~
19 ~~payment for the second year of the biennium until the grantee submits the annual report for the~~
20 ~~first year of the biennium. The superintendent of public instruction shall report to the~~
21 ~~appropriations committees of the sixty-eighth legislative assembly regarding funds granted,-~~
22 ~~performance measures established for each grantee, and whether grantees met performance~~
23 ~~expectations.~~

24 **SECTION 8. CONDITION ON APPROPRIATION FOR GRANTS - PROGRAM AND**
25 **PASSTHROUGH LINE ITEM.** The appropriation in the grants - program and passthrough line
26 item in subdivision 1 of section 1 of this Act is conditioned on the superintendent of public
27 instruction not using federal funds to defray the expenses of the following programs for which
28 state funding is provided in this line item for the biennium beginning July 1, 2021, and ending
29 June 30, 2023:

- 30 1. Adult education matching grants;
31 2. School food services matching grants;

3. Program grant pool; and

4. Mentoring program.

SECTION 9. REGIONAL EDUCATION ASSOCIATIONS - GRANTS - DISTRIBUTION. The integrated formula payments line item in subdivision 1 of section 1 of this Act includes \$500,000 from the general fund for the purpose of providing annual grants to regional education associations for the biennium beginning July 1, 2021, and ending June 30, 2023. An annual grant of \$35,714 is provided to each regional education association that exists as of July 1, 2021. Regional education associations that merge during the 2021-23 biennium are entitled to the annual grants that would have been paid to each of the member associations.

SECTION 10. EXEMPTION - INDIRECT COST ALLOCATION. Notwithstanding section 54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its operating account.

SECTION 11. EXEMPTION - GENERAL EDUCATIONAL DEVELOPMENT FEES AND DISPLACED HOMEMAKER DEPOSITS. Notwithstanding section 54-44.1-15, any moneys collected by the department of public instruction for general educational development fees and displaced homemakers deposits, must be deposited in the public instruction fund in the state treasury and may be spent subject to appropriation by the legislative assembly.

SECTION 12. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019 Session Laws, the lesser of \$23,733,064 or the remaining amount must be continued into the 2021-23 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of providing program and passthrough grants as appropriated in subdivision 1 of section 1 of this Act.

SECTION 13. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2019-21 biennium, any moneys remain in the integrated formula payments line item in subdivision 1 of section 1 of chapter 38 of the 2019 Session Laws, up to \$250,000 must be continued into the 2021-23 biennium for the purpose of defraying the expenses of the dyslexia screening pilot program.

1 **SECTION 14. STATE AID TO PUBLIC LIBRARIES.** The grants line item in subdivision 2 of
2 section 1 of this Act includes ~~\$1,737,528~~\$1,737,582 for aid to public libraries, of which no more
3 than one-half may be expended during the fiscal year ending June 30, 2022.

4 **SECTION 15. EXEMPTION - SCHOOL FOR THE DEAF - HIGHER EDUCATION**

5 **INTERPRETER GRANT PROGRAM DISTRIBUTION.** The ~~grants line item in subdivision 3 of~~
6 ~~section 1 of this Act is~~\$40,000 appropriated for the purpose of providing grants to assist
7 institutions under the control of the state board of higher education with the cost of interpreters
8 and real-time captioning for students who are deaf or hard of hearing, ~~for the biennium~~
9 ~~beginning July 1, 2021, and ending June 30, 2023. Moneys appropriated for this program are~~
10 ~~not subject to section 54-44.1-11 in subdivision 3 of section 1 of chapter 38 of the 2019 Session~~
11 Laws and any funding continued for this purpose from prior bienniums is not subject to section
12 54-44.1-11. FundsAny funds remaining must be distributed pursuant to the provisions of this
13 section:

- 14 1. The school for the deaf shall develop a formula to determine the grant amount for
15 which an institution is eligible. The formula must be based on a uniform hourly
16 reimbursement.
- 17 2. To obtain a grant under this section, an institution shall submit to the school for the
18 deaf, at the time and in the manner directed by the school, invoices showing the
19 amount expended for interpreters and real-time captioning for students who are deaf
20 or hard of hearing.
- 21 3. The school for the deaf may not distribute more than fifty percent of the amount
22 appropriated during the first year of the biennium.
- 23 4. If any grant moneys remain undistributed at the end of the biennium, the school for the
24 deaf shall provide additional prorated grants to institutions that incurred, during the
25 biennium, hourly expenses in excess of the formula reimbursement level.
- 26 5. At the request of an institution under the control of the state board of higher education,
27 the school for the deaf shall consult with the institution and provide advice regarding
28 the provision of services most appropriate to meet a student's needs.

29 **SECTION 16. AMENDMENT.** Section 15.1-02-02 of the North Dakota Century Code is
30 amended and reenacted as follows:

15.1-02-02. Salary.

The annual salary of the superintendent of public instruction is one hundred ~~twenty-two~~twenty-seven thousand ~~eight~~seven hundred ~~ten~~sixty-eight dollars through June 30, ~~2020~~2022, and one hundred ~~twenty-five~~twenty-nine thousand ~~eight~~six hundred ~~eighty~~eighty-five dollars thereafter.

SECTION 17. AMENDMENT. Section 15.1-02-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-16. Superintendent of public instruction - Issuance of credentials to teachers and administrators.

The superintendent of public instruction may adopt rules governing the issuance of:

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who have intellectual disabilities;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;
15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing;
19. Credentials for teachers of computer and cyber science; ~~and~~
20. Certificate of completion for paraprofessionals; and
21. Certificate of completion for school health technicians.

SECTION 18. AMENDMENT. Section 15.1-06-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-19. Counselor positions - Requirement.

1. Beginning with the 2010-11 school year, each school district must have available one full-time equivalent school counselor for every three hundred students in grades seven through twelve.

2. Beginning with the 2022-23 school year, each school district must have available one full-time equivalent school counselor for every three hundred students in grades kindergarten through six.

3. The duties of a school counselor under this section must include the academic advisement and appraisal of students, career preparation and advisement of students, assisting in the orientation of new students, interpreting aptitude and achievement tests, providing short-term individual and group counseling sessions to students, presentation of age-appropriate school counseling lessons to students, interpreting student records, collaborating with teachers on building classroom connections, collaborating with school administration to identify student issues and needs, advocating for students, and analyzing disaggregated schoolwide data. The duties may not include assessment administration, clerical responsibilities, or other administrative duties.

~~2.4.~~ Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.

~~3.5.~~ For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 15-20.1-24 or an individual who is provisionally approved by the department of career and technical education under section 15-20.1-25 to serve as a career advisor.

SECTION 19. AMENDMENT. Section 15.1-27-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-16. Per student payments - Administrative cost-sharing - Cooperating districts.

1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.
2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and which has taxable property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:
 - a. Provide unduplicated grade level services; or
 - b. Share administrative personnel.

3. If any school district receiving payments under this chapter cooperates with another school district to jointly employ both a superintendent and a business manager, the superintendent of public instruction shall provide partial reimbursement of the combined salaries of the superintendent and the business manager as follows:

- a. If the combined salaries exceed three hundred thousand dollars, the amount of the reimbursement must be calculated based upon three hundred thousand dollars. Each cooperating school district shall receive a prorated share of the reimbursement percentages listed below based on the percentage of full-time equivalency that the superintendent and business manager are employed by each district. The percentage of reimbursement for the combined salaries of the jointly hired superintendent and business manager must be as follows:

(1) If two schools are cooperating, ten percent of the combined salaries;

(2) If three schools are cooperating, fifteen percent of the combined salaries;

(3) If four schools are cooperating, twenty percent of the combined salaries;
and

(4) If five or more schools are cooperating, twenty-five percent of the combined
salaries.

b. To be eligible for reimbursement under this subsection, the cooperating school
districts must:

(1) Have been approved by the superintendent of public instruction and have
implemented their administrative cost-sharing program after June 30, 2022;
and

(2) Submit the salaries of the superintendent and business manager to the
superintendent of public instruction by June first of each year.

SECTION 20. LEGISLATIVE MANAGEMENT STUDY - SCHOOL CONSTRUCTION

FUNDING. During the 2021-22 interim, the legislative management shall consider studying the feasibility and desirability of using up to 1 percent of common schools trust fund assets annually for school construction grants. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-eighth legislative assembly.

SECTION 21. LEARNING LOSS, ACCELERATED LEARNING RECOVERY, AND ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND - REPORT TO

LEGISLATIVE MANAGEMENT. School districts receiving funds from the elementary and secondary school emergency relief fund shall provide two narrative summary reports to the superintendent of public instruction, including information regarding learning losses of students identified within the district, including subgroup gaps; school district plans to accelerate learning recovery for all students, including closing subgroup gaps; uses of elementary and secondary school emergency relief funds, including the percentage of those funds expended in categories determined by the superintendent of public instruction; and the impact elementary and secondary school emergency relief fund expenditures had on accelerating the learning recovery for the districts' students. The first school district report must be submitted to the superintendent of public instruction by December 1, 2021. An aggregated report must be presented by the superintendent of public instruction to the legislative management by June 1, 2022. The second school district report must be submitted to the superintendent of public instruction by

1 December 1, 2022. An aggregated report must be presented by the superintendent of public
2 instruction to the sixty-eighth legislative assembly.

3 **SECTION 22. EXPIRATION DATE.** Section 19 of this Act is effective through June 30,
4 2024, and after that date is ineffective.